

## **IC 22-2-5**

### **Chapter 5. Frequency of Wage Payments**

#### **IC 22-2-5-0.3**

##### **Application of amendments to section 1 of chapter by P.L.51-2007; intent of general assembly; expiration of section**

Sec. 0.3. (a) The amendments made to section 1 of this chapter by P.L.51-2007 apply to claims for wages earned before, on, or after July 1, 2007.

(b) Having received and considered testimony concerning the customary and usual wage payment practices of employers, it is the intent of the general assembly that the ten (10) day period referenced in section 1 of this chapter, before its amendment by P.L.51-2007, be construed as ten (10) business days (as defined in section 0.5 of this chapter, as added by P.L.51-2007).

(c) This section expires July 1, 2017.

*As added by P.L.220-2011, SEC.360.*

#### **IC 22-2-5-0.5**

##### **"Business day"**

Sec. 0.5. As used in this chapter, "business day" means a day other than Saturday, Sunday, or a legal holiday (as defined in IC 1-1-9-1).

*As added by P.L.51-2007, SEC.1.*

#### **IC 22-2-5-1**

##### **Payment; voluntarily leaving employment**

Sec. 1. (a) Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void.

(b) Payment shall be made for all wages earned to a date not more than ten (10) business days prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection, nor repeal any law providing for payments at shorter intervals. However, if an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

(1) ten (10) business days have elapsed after the employee has made a demand for the wages due the employee; or

(2) the employee has furnished the employer with the

employee's address where the wages may be sent or forwarded.  
(Formerly: Acts 1933, c.47, s.1; Acts 1971, P.L.350, SEC.1.) As amended by P.L.216-1989, SEC.2; P.L.8-1993, SEC.273; P.L.51-2007, SEC.2.

#### **IC 22-2-5-1.1**

##### **Employees eligible for overtime compensation; exemption from IC 22-2-5-1**

Sec. 1.1. Salaried employees who are eligible for overtime compensation under the Fair Labor Standards Act (29 U.S.C. 201 et seq.) are specifically exempted from section 1 of this chapter.  
As added by P.L.143-1988, SEC.1.

#### **IC 22-2-5-2**

##### **Failure to pay; damages; actions for recovery**

Sec. 2. Every such person, firm, corporation, limited liability company, or association who shall fail to make payment of wages to any such employee as provided in section 1 of this chapter shall, as liquidated damages for such failure, pay to such employee for each day that the amount due to him remains unpaid ten percent (10%) of the amount due to him in addition thereto, not exceeding double the amount of wages due, and said damages may be recovered in any court having jurisdiction of a suit to recover the amount due to such employee, and in any suit so brought to recover said wages or the liquidated damages for nonpayment thereof, or both, the court shall tax and assess as costs in said case a reasonable fee for the plaintiff's attorney or attorneys.  
(Formerly: Acts 1933, c.47, s.2.) As amended by P.L.144-1986, SEC.8; P.L.8-1993, SEC.274.

#### **IC 22-2-5-3**

##### **Agricultural workers; criminal offenders; exemptions**

Sec. 3. The following shall be specifically exempt from the provisions of this chapter:

- (1) Farmers and those engaged in the business of agriculture and horticulture.
- (2) Criminal offenders in a facility operated by the department of correction (as established by IC 11-8-2-1) or operated by a private operator under contract with the department of correction.

(Formerly: Acts 1933, c.47, s.3.) As amended by P.L.144-1986, SEC.9; P.L.223-2013, SEC.5.